

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:22-CV-00367-FDW-DCK**

KHUONG CHUC LIEU DINH,)
)
Plaintiff,)
)
vs.)
)
)
UR MENDOZA JADDOU)
UNITED STATES CITIZENSHIP AND)
IMMIGRATION SERVICES)
CHRISTOPHER M. HEFFRON,)
)
Defendants.)
)

ORDER

THIS MATTER is before the Court *sua sponte* after reviewing the parties' pleadings on Defendants' Motion to Dismiss and Memorandum in Support, (Doc. Nos. 15, 16). Defendants move to dismiss pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction asserting Plaintiff's claims are moot because "USCIS scheduled and conducted an interview on or about August 11, 2022, and USCIS issued in that administrative process an RFE, requiring Plaintiff to produce additional evidence." (Doc. No. 16, p. 3). Plaintiff responded to the instant motion noting his deadline to answer the outstanding RFE was November 28, 2022. (Doc. No. 19, p. 6). Defendants replied, (Doc. No. 20), and provided a declaration from an Immigration Services Officer stating that, "[u]pon receipt of the RFE response, USCIS is able to render a final decision on [Plaintiff's] I-485 Application within two months." (Doc. No. 20-1, p. 4).

Because the existence of subject matter jurisdiction is a threshold issue that the Court must address before considering the merits of the case, the Court now orders the parties to file

supplemental briefs concerning this Court's jurisdiction over Plaintiff's claims. Specifically, the parties are directed to provide the Court with an update on the status of Plaintiff's I-485 application and any applicable law and argument relevant to the status update. Each parties' supplemental brief shall be due on May 12, 2023, and shall not exceed 2,000 words.

IT IS SO ORDERED.

Signed: April 20, 2023


Frank D. Whitney
United States District Judge